

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Michael Thomas Olson,

Bkry. Case No. 04-43098

Chapter 13 Case

Debtor(s).

NOTICE OF HEARING AND APPLICATION
FOR ALLOWANCE OF COMPENSATION AS
ATTORNEY FOR THE DEBTOR

To: Chapter 13 Trustee, United States Trustee and all parties in interest as specified in Local Rule 9013-3.

- I. Timothy C. Theisen the Applicant, as counsel for Debtor Michael T. Olson, moves the Court for the Relief requested below and gives notice of hearing.
- II. The Court will hold a hearing on this Application at 11:00 A.M. on September 29, 2004, in Courtroom No: 7-W, at the United States Bankruptcy Courthouse, at 300 South 4th Street, in Minneapolis, Minnesota.
- III. Any response to this application must be filed and delivered to Applicant no later than September 24, 2004 which is three days before the date set for hearing (excluding Saturdays, Sundays, or holidays), or filed and served by mail not later than September 20, 2004 which is seven days before the date set for the hearing (excluding Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING THIS APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE APPLICATION WITHOUT A HEARING.
- IV. This Court has jurisdiction over this Application under 28 U. S. C. Section 158 and 1334, Bankruptcy Rule 5005 and Local Rule 2016-1. This Application arises under 11 U. S. C. Section 330. Applicant requests allowance of compensation for professional services rendered and for reimbursement of expenses incurred in connection with this case. This

is a core proceeding. The petition commencing this bankruptcy case was filed on June 1, 2004. The Debtor's Chapter 13 Plan was confirmed by an Order of this Court, dated August 10, 2004. This case is now pending in this Court.

- V. This is an interim application, for all fees paid to date. The Applicant has received payments in the following amounts, on the date set forth below, from Debtors and/or Chapter 13 trustee.

Date	Amount
3/31/04	\$106.00
5/24/04	\$610.00

The terms and condition of employment between the Applicant and the Debtor subject to Bankruptcy Court approval , are that Applicant will be paid \$1410.00 Dollars for services reasonably necessary to represent the Debtor and additional fees at \$195.00 per hour for matters beyond the ordinary and customary services rendered, including adversarial proceedings.

- VI. Applicant knows of no allowed administrative expenses unpaid as of the date of his Application.
- VII. Applicant has rendered professional services in its capacity as general bankruptcy counsel to the Debtor as follows:
- A. General Matters. Advised the Debtor and took action with respect to numerous general matters in the course of the bankruptcy proceeding including overall advice to the Debtor on alternative available under the Bankruptcy Code, the gathering of basic information concerning the Debtor, preparation of bankruptcy petition schedules, statement of affairs and the chapter 13 plan, preparation for and attendance at the Section 341 hearing, receiving proofs of claim and case status updates, and final closing of case upon discharge. The main reason that Applicant is charging \$160.00 more than the typical \$1250.00 fee applicable to "short form" fee applications, is due to the fact that a separate trip to St. Cloud was necessary to attend this Debtor's 341 Meeting.
- B. Fee Application. Prepared and filed a fee application for Bankruptcy Court approval. Because it was contemplated that a Fee Application would be necessary, the Applicant's time for the Fee Application was "built in" to the \$1410.00 fee noted above.
- VIII. The amount of time and compensation sought for each task described above are as follows:

	<u>TASK</u>	<u>HOURS</u>	<u>DOLLARS</u>
A.	General Matters	9.9	\$1410.00(flat fee)
C.	Fee Application	.5	\$(included in \$1410.00)

TOTALS:		10.4	\$1410.00
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IX. Annexed hereto as Exhibit A, is an itemization of the time incurred by the Applicant stating the following:

A. Description of the task or proceeding.

B. A detailed list and description of each increment of time expended on the task or proceeding; and

C. The names of attorneys who expended the time.

X. No expenses are sought in this Application.

XI. The attorney who expended time on this matter is Timothy C. Theisen, who charges an hourly rate of \$195.00 Dollars per hour. The hourly rate is the usual and customary hourly rates charged by Applicant for the services of the individuals involved. It represents the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11 of the United States Code.

XII. Applicant's services to the Debtor in this case have a reasonable value of not less than \$1410.00 Dollars. To date, the Applicant has received payments totaling \$716.00 Dollars from the Debtor.

XIII. Applicant has incurred actual and necessary expenses in this case in the total amount of \$194.00 Dollars consisting of \$194.00 Dollars filing fee, which was paid by the debtor.

XIV. All services for which compensation is requested by Applicant were performed on behalf of the Debtor and not on behalf of any committee, creditor or other person. The services were necessary to the administration of the successful completion of this case. The services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed.

- XV. The amount requested herein constitutes reasonable compensation for actual and necessary services rendered by Applicant based on the nature, the extent and value of such services, the time spent on such services and the costs of comparable services other than in a case under Title 11.
- XVI. Applicant has not entered into any agreement express or implied with any other party in interest, including the Debtor or any creditor, receiver, trustee or representative of any of them, or with any attorneys for such party in interest in the proceedings, for the purpose of fixing fees or other compensation to be paid to such party in interest in the proceedings for services rendered or expenses incurred in connection therewith from the assets of the estate in excess of the compensation allowed by law.

WHEREFORE, Applicant respectfully requests that the Court enter its Order (a) allowing compensation to Applicant in the amount of \$1410.00 Dollars; and (b) allowing Applicant to apply the \$716.00 he has already received toward said fees, and (c) directing the Chapter 13 Trustee to pay the amount of \$694.00 Dollars to Applicant from payments received by the Trustee pursuant to the Debtor's Chapter 13 Plan.

I Tim Theisen, attorney for debtor, hereby declare that the above-stated facts are true and correct to the best of my knowledge and belief.

Dated: August 27, 2004

_____/s/ Timothy C. Theisen_____
Timothy C. Theisen
229 Jackson Street
Suite 105
Anoka, MN 55303
Telephone No. (763) 421-0965

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
MICHAEL OLSON
C/O BANKRUPTCY COURT

APR 21 2004

In Reference To: Chapter 13
Invoice #11201

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
2/10/04 Initial Consultation with client; memo to unopened file	1.00 195.00/hr	195.00
3/31/04 Meet with client; receive documents; open file	0.40 195.00/hr	78.00
For professional services rendered	1.40	\$273.00
Balance due		<u>\$273.00</u>

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
MICHAEL OLSON
C/O BANKRUPTCY COURT

MAY 20 2004

In Reference To: Chapter 13
Invoice #11246

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
4/27/04 Miscellaneous work on peition; notes to file; message to client	0.50 195.00/hr	97.50
4/29/04 Call from client; notes to file	0.20 195.00/hr	39.00
5/3/04 Fax from client; message to client	0.20 195.00/hr	39.00
5/17/04 Message to and from client re: payment; notes to file	0.10 195.00/hr	19.50
For professional services rendered	1.00	\$195.00
Previous balance		\$273.00
Balance due		<u>\$468.00</u>

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
MICHAEL OLSON
C/O BANKRUPTCY COURT

JUN 22 2004

In Reference To: Chapter 13
Invoice #11292

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
5/25/04 Review file; call client; run blue book on car; draft plan; meet with client to review; prepare for filing	1.50 195.00/hr	292.50
6/7/04 Received notice of creditor meeting; calendar; letter to client	0.40 195.00/hr	78.00
6/10/04 Recieved claim from GMAC	0.20 195.00/hr	39.00
6/18/04 Fax and call from client; send notice to creditor SST	0.50 195.00/hr	97.50
For professional services rendered	2.60	\$507.00
Previous balance		\$468.00
Balance due		<u>\$975.00</u>

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
MICHAEL OLSON
C/O BANKRUPTCY COURT

JUL 19 2004

In Reference To: Chapter 13
Invoice #11337

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
7/1/04 Letter from secured vehicle creditor; forward to client with note	0.30 195.00/hr	58.50
7/2/04 Receive claim and letter from Wells Fargo regarding mortgage; forward to client with note	0.30 195.00/hr	58.50
7/6/04 Telephone call from client	0.10 195.00/hr	19.50
7/12/04 Telephone call from client	0.10 195.00/hr	19.50
Attend creditor meeting, including round trip travel	2.80 195.00/hr	546.00
7/16/04 Letter from World Savings Bank (mortgage), forward to client; send them plan	0.40 195.00/hr	78.00
	<u>Hours</u>	<u>Amount</u>
For professional services rendered	4.00	\$780.00
Previous balance		\$975.00
Balance due		<u>\$1,755.00</u>

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
MICHAEL OLSON
C/O BANKRUPTCY COURT

AUG 20 2004

In Reference To: Chapter 13
Invoice #11388

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
7/30/04 Receive mortgage claim	0.20 195.00/hr	39.00
8/12/04 Phone call from Geri at mortgage company; conference with Mike Farrell; attempt to call client; memo to file; forward to client	0.40 195.00/hr	78.00
Phone call from client; revise memo	0.10 195.00/hr	19.50
8/17/04 Receive Order confirming plan	0.20 195.00/hr	39.00
For professional services rendered	0.90	\$175.50
Previous balance		\$1,755.00
Balance due		<u>\$1,930.50</u>

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Michael Thomas Olson,

Bkry. Case No. 04-43098

Chapter 13 Case

ORDER

Debtor(s).

This matter came on for hearing before the Honorable Nancy C. Dreher, in Room-7W at the US Bankruptcy Court, Minneapolis, MN on the motion of Timothy C. Theisen (The Applicant) for allowance and payment of legal fees and reimbursement of costs.

Upon all the files, records and proceedings herein and there being no objection filed with the Court, IT IS HEREBY ORDERED:

1. The Applicant is awarded \$1410.00 Dollars as reasonable compensation for legal services.
2. The Applicant may apply the \$716.00 Dollars he has received from Debtor in partial satisfaction of his award.
3. The Chapter 13 Trustee is authorized and directed to pay the sum of \$694.00 Dollars to Applicant as funds become available pursuant to the Debtor's Chapter 13 Plan.

Dated: _____

Nancy C. Dreher
Judge of Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No. 04-43098
Chapter 13

Michael Thomas Olson

**UNSWORN CERTIFICATE OF
SERVICE**

Debtor(s)

I, Melinda Rost, declare under penalty of perjury that on September 2, 2004 I mailed copies of the foregoing Notice of Hearing and Application for Allowance of Compensation as Attorney for the Debtor by first class mail postage prepaid to each entity named below at the address stated below for each entity:

ALL CREDITORS
(See attached Matrix)

US Trustee
1015 United States Courthouse
300 South 4th Street
Minneapolis, MN 55401

Michael J. Farrell
PO Box 519
Barnesville, MN 56514

Michael T. Olson
26304 – 150th Street
Zimmerman, MN 55398

Executed on: September 2, 2004

Signed: /e/ Melinda Rost

Melinda Rost
229 Jackson Street, Suite 105
Anoka, MN 55303

AMERICAN BANK
1578 UNIVERSITY AVENUE
ST. PAUL, MN 55104

BANK OF AMERICA
1825 E BUCKEYE ROAD
PHOENIX, AZ 85034

CHASE
4915 INDEPENDENCE
TAMPA, FL 33634

CONSECO
345 ST. PETER STREET
ST. PAUL, MN 55102

GMAC
3500 WEST 80TH STREET SUITE 300
BLOOMINGTON, MN 55431

J WARD HOLLIDAY & ASSOC
501 ELM ST - STE 400
DALLAS, TX 75202

MENARDS
PO BOX 703
WOOD DALE, IL 60191

PROVIDIAN
4940 JOHNSON DRIVE
PLEASANTON, CA 94566

SYSTEMS & SERVICES TECHNOLOGIES
PO BOX 801997
KANSAS CITY, MO 64180-1997

UNION ACCEPT
250 N SHADELAND A
INDINAPOLIS, IN 46219

WALMART
PO BOX 103027
ROSWELL, GA 30076

WELLS FARGO
SIXTH AND MARQUETTE
MINNEAPOLIS, MN 55479

WORLD SAVINGS
ATTN: BANKRUPTCY DEPT. T6F5
PO BOX 659558
SAN ANTONIO, TX 78265-9558

WORLDSAVINGS
794 DAVIS COURT
SAN LEANDRO, CA 94577